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**UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
HELENA DIVISION**

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BRAD TSCHIDA,	)	
	)	Case No. CV 16-102-H-BMM
Plaintiff,	)	
	)	<b>PLAINTIFF TSCHIDA'S</b>
v.	)	<b>RESPONSE TO DEFENDANT</b>
	)	<b>MOTL'S MOTION TO DISMISS</b>
JEFF MANGAN, in his official capacity as	)	
the Commissioner of Political Practices,	)	
JONATHAN MOTL, in his personal	)	
capacity,	)	
	)	
Defendants.	)	
	)	

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The Court previously dismissed Plaintiff Brad Tschida's Second, Third, and Fourth Claims for Relief contained in his First Amended Complaint upon granting Defendant Jonathan Motl's motion to dismiss those claims based upon qualified immunity. *ECF No. 45*.

Plaintiff Tschida filed his Second Amended Complaint on June 16, 2017. The purpose of the complaint was to reflect Defendant Jeff Mangan's recent

appointment as Commissioner of Political Practices and Defendant Motl's departure from that office.

Defendant Mangan is sued in his official capacity with regard to the First Claim for Relief. Defendant Motl is sued in his personal capacity with regard to the Second, Third, and Fourth Claims for Relief.

As Defendant Motl correctly notes in his motion to dismiss, Plaintiff Tschida did not make any substantive changes to his Second, Third, and Fourth Claims for Relief when he filed his Second Amended Complaint. He again included those claims for purposes of preserving them for appellate review.

In the interests of sparing the Court and the parties unnecessary work, Plaintiff Tschida (1) incorporates by reference his prior briefs concerning the applicability of qualified immunity and (2) waives oral argument concerning the pending motion to dismiss.

DATED: July 10, 2017

Respectfully submitted,

Monforton Law Offices, PLLC

By: /s/ Matthew G. Monforton  
Matthew G. Monforton  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY this 10th day of July, 2017, that a copy of the foregoing will be delivered this day via the Court's ECF system to counsel for the Defendant.

DATED: July 10, 2017

Respectfully submitted,

Monforton Law Offices, PLLC

By: /s/ Matthew G. Monforton  
Matthew G. Monforton  
Attorney for Plaintiff